

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
TRIAL**

CASE NO.: CR-08-00004

DATE: July 01, 2008

HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Sara Weber

Court Reporter: Wanda Miles

Courtroom Deputy: Carmen B. Santos

Electronically Recorded: 8:59:21 - 10:15:38
10:37:41 - 11:57:38
1:34:32 - 2:42:56
3:04:27 - 4:23:39

APPEARANCES:

Defendant: Eun Young Lee
Marcelino Laserna
John Duenas
Mary Garcia
Joseph Pangelinan
Francisco Kawamoto
Margaret Untalan

Attorney: Richard Arens
Mark Smith
Cynthia Ecube
Leilani Lujan
Louie Yanza
Stephanie Flores
Rawlen Mantanona

☒ Present ☐ Custody ☐ Bond ☐ P.R.

☒ Present ☒ Retained ☒ FPD ☒ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: K. Klocke, FBI

U.S. Probation: None Present

Interpreter:

Language:

PROCEEDINGS: Jury Trial - Day 17

- Witnesses sworn and examined; exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Closing Argument by the plaintiff. Jury Trial (Day 18) - Defendants' Closing Arguments, Prosecutor's Rebuttal Closing Arguments, Concluding Jury Instructions continued to July 2, 2008 at 9:15 A.M. Jurors to deliberate on July 2, 2008.

NOTES: Jurors to report by 8:45 AM, 7/2/08.

PRESIDING JUDGE FRANCES M. TYDINGCO-GATEWOOD						PLAINTIFF'S ATTORNEY KARON JOHNSON	DEFENDANT'S ATTORNEY RICHARD ARENS, MARK SMITH, CYNTHIA ECUBE, LEILANI LUJAN, LOUIE YANZA, STEPHANIE FLORES, RAWLEN MANTANONA
HEARING DATE (S) JUNE 9, 10, 11, 12, 13, 2008 JUNE 16, 17, 18, 19, 20, 2008 JUNE 23, 24, 25, 26, 27, 2008 JUNE 30, JULY 1, 2008						COURT REPORTER WANDA MILES	COURTROOM DEPUTY CARMEN B. SANTOS
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						8:59:21 - Begin Day 17 - July 1, 2008	
						9:02:40 - Jurors seated	
						Defense counsel waive the opportunity to present opening statements and proceed with their case in chief.	
						9:04:44 - Agent Ken Klocke called and seated; DX by Mr. Yanza	
		U-U	6/11/08	7/1/08	6/11/08	Assignment of ITIN Number - Exhibit U-U offered by Ms. Lujan and admitted without objection (Frank Blaz)	
	86			7/1/08	6/18/08	FBI Form 302 - Report of Investigation of Eun Young Lee dated 12/31/07, identified by Mr. Arens and admitted by the court (Agent Kline) admitted for purposes of motion for discovery - NOT FOR THE JURY	
		U-A	6/13/08	7/1/08	6/13/08	Assignment of ITIN Post December 13, 2003, offered by Mr. Yanza and admitted without objection (note: same as Exhibit U-P 248) (Jesse Salas)	
		U-R	6/12/08	7/1/08	6/12/08	Assignment of ITIN Number for Sam Rang Lee - offered by Mr. Mantanona and admitted without objection (Jesse Salas)	
		U-S	6/13/08	7/1/08	6/13/08	Assignment of ITIN Number for Young Joo Baek - offered by Mr. Yanza and admitted without objection (Jesse Salas)	
		U-T	6/12/08	7/1/08	6/12/08	Assignment of ITIN Number for Lee Mi Young - offered by Mr. Mantanona and admitted without objection (Jesse Salas)	
		U-P p 159	6/10/08	7/1/08	6/10/08	Standard Operating Procedures for the Driver's License Branch, Department of Revenue and Taxation - offered by Mr. Mantanona and admitted without objection (Frank Blaz)	
	85		6/11/08	7/1/08	6/11/08	Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division, offered by the Government, admitted without objection (Frank Blaz)	
						9:59:01 - DX by Mr. Mantanona	
	85		6/11/08	7/1/08	6/11/08	Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division, offered by the Government, admitted without objection (Frank Blaz)	
						10:05:34 - DX by Ms. Flores	
	83		6/19/08	7/1/08	6/19/08	ITIN Letter given to Sang Ho Kim by Lee on 1/31/05, offered by Mr. Mantanona, admitted, without objections (Agent Klocke)	
	60		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Sang Ho Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	15		6/11/08	7/1/08	6/11/08	Department of Treasury-IRS-Blank form; offered by the Government and admitted without objections (Frank Blaz)	
						10:57:56 - DX by Ms. Lujan	
	75		6/17/08	7/1/08	6/17/08	Lee's affirmation of handwriting on applications, offered by the Government and admitted, with the exception of 75-2 and 75-29 (Agent Kline)	
		U-P p 156	6/10/08	7/1/08	6/10/08	Standard Operating Procedures for the Driver's License Branch, Department of Revenue and Taxation - offered by Mr. Mantanona and admitted without objection (Frank Blaz)	
	1		6/9/08	7/1/08	6/9/08	Exhibit 1 pages 1-24 offered by Government and admitted, without objections (Frank Blaz)	

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	14-5		6/27/08	7/1/08	6/27/06	**updated 6/25/08 - Summary chart of license applications accepted by defendants between 2/20/04 and 11/28/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, time and date application was entered into the MVD computer, date of written test, date of issuance of license; offered by Government and admitted, with objections (Agent Klocke)	
	20		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Young Min Ko - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	60		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Sang Ho Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	83		6/19/08	7/1/08	6/19/08	ITIN Letter given to Sang Ho Kim by Lee on 1/31/05, offered by Mr. Mantanona, admitted, without objections (Agent Klocke)	
	67-3 67-4		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Jum Soo Park - offered by Government; Objections made; conditionally admitted 6/10/08.	
						11:34:44 - DX by Mr. Smith	
	15		6/11/08	7/1/08	6/11/08	Department of Treasury-IRS-Blank form; offered by the Government and admitted without objections (Frank Blaz)	
TME 19				7/1/08		FBI Form 302 Investigative report of Marcelino J. Laserna dated 6/21/07	
TME 22				7/1/08		FBI Form 302 Investigative report of Marcelino J. Laserna dated 2/01/08	
						11:51:54 - CX by Ms. Johnson	
	14		6/27/08	7/1/08	6/27/06	**updated 6/25/08 - Summary chart of license applications accepted by defendants between 2/20/04 and 11/28/05 showing applicant, driver's license number, ITIN, IRS report of each ITIN status, address on application, time and date application was entered into the MVD computer, date of written test, date of issuance of license; offered by Government and admitted, with objections (Agent Klocke)	
	75		6/17/08	7/1/08	6/17/08	Lee's affirmation of handwriting on applications, offered by the Government and admitted, with the exception of 75-2 and 75-29 (Agent Kline)	
						11:57:12 - 1:34:32 - Lunch break	
						1:35:28 - Witness Jesse Salas called and seated; reminded he is still under oath	
						1:36:55 - DX by Mr. Yanza	
	26-1		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Chun Ja Cho - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
						1:44:00 - DX by Mr. Mantanona	
						1:44:39 - DX by Ms. Flores	
						1:45:51 - DX by Ms. Lujan	
	26-1		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Chun Ja Cho - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
						1:46:56 - DX by Mr. Arens	
						1:47:46 - CX by Ms. Johnson	
	26-1		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Chun Ja Cho - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	85		6/11/08	7/1/08	6/11/08	Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division, offered by the Government, admitted without objection (Frank Blaz)	

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						1:58:44 - Re-DX by Mr. Arens	
						1:59:38 - Witness Salas excused	
						2:00:03 - Artemio Ilagan , called and sworn	
						2:00:59 - DX by Mr. Mantanona	
	85		6/11/08	7/1/08	6/11/08	Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division, offered by the Government, admitted without objection (Frank Blaz)	
						2:08:17 - CX by Ms. Johnson	
	1-1 1-4 1-5		6/9/08	7/1/08	6/9/08	Exhibit 1 pages 1-24 offered by Government and admitted, without objections (Frank Blaz)	
	85-1		6/11/08	7/1/08	6/11/08	Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division, offered by the Government, admitted without objection (Frank Blaz)	
						2:20:17 - Re-CX by Mr. Mantanona	
						2:24:49 - DX by Ms. Flores	
	85-1		6/11/08	7/1/08	6/11/08	Pages 156, 157, 158 and 159 - Guam Department of Revenue and Taxation Motor Vehicle Division Standard Operating Procedure for Licensing Division, offered by the Government, admitted without objection (Frank Blaz)	
	60-1 60-3 60-4 60-5		6/9/08	7/1/08	6/16/08 6/10/08	MVD file for - Sang Ho Kim - offered by Government; Objections made; conditionally admitted 6/10/08, admitted 6/16/08 with objections.	
	83		6/19/08	7/1/08	6/19/08	ITIN Letter given to Sang Ho Kim by Lee on 1/31/05, offered by Mr. Mantanona, admitted, without objections (Agent Klocke)	
						2:29:42 - DX by Mr. Arens	
						2:32:03 - DX by Ms. Lujan	
						2:33:07 - Witness Ilagan excused	
						2:33:21 - Defendant Margaret Untalan rests	
						2:33:24 - Defendant Francisco Kawamoto rests	
						2:33:26 - Defendant Joseph Pangelinan rests	
						2:33:28 - Defendant Mary Garcia rests	
						2:33:30 - Defendant John Duenas rests	
						2:33:33 - Defendant Marcelino Laserna rests	
						2:33:37 - Defendant Eun Young Lee rests	
						2:36:48 - Jurors excused	
						2:42:56 - 3:04:27 - Afternoon break - sets up for closing arguments	
						3:05:29 - Jurors seated	
						3:06:37 - Closing Argument by Ms. Johnson	
						4:24:21 - Prosecution Closing Arguments completed	
						4:27:47 - Jurors excused	
						4:34:49 - End Day 17	